

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 35, 36, and 38-45 are pending in this application. Claim 35 was rejected under 35 U.S.C. §112, second paragraph. Claim 35 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication 2005/0114195A1 to Bernasconi. Claims 38-45 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. patent 6,578,005 to Lesaint et al. (herein "Lesaint"). Claim 36 was rejected under 35 U.S.C. §103(a) as unpatentable over Bernasconi as applied to claim 35 and further in view of the publication "Automating Peripherals Launches ActiveStaffer", 1999 (herein "the ActiveStaffer Publication").

Addressing first the rejection to claim 35 under 35 U.S.C. §112, second paragraph, claim 35 is amended by the present response to now recite "which sends application information" as suggested in the Office Action. That amendment is believed to address that rejection.

Addressing now the rejection of claim 35 under 35 U.S.C. §102(e) as anticipated by Bernasconi, and the further rejection of claim 36 further in view of the ActiveStaffer Publication, those rejections are traversed by the present response.

Initially, applicants note the claims are amended by the present response to clarify features recited therein. Specifically, the claims now clarify that the work management apparatus is connected to a plurality of "mobile telephones". Communication in the unit then takes place between the management apparatus and the mobile telephones. That subject matter is believed to be fully supported by the original specification, for example see Figure 1 and the discussion at page 9, line 9 *et seq.* noting that the user terminals 11₁-11_m can include portable terminal units such as mobile telephone units that can read web pages, personal

computers, or the like. The user terminals 11₁-11_m communicate with the work management apparatus 12 over the network 10.

The claims as currently written are believed to clearly distinguish over Bernasconi, and further in view of the ActiveStaffer Publication.

Specifically, in the claims as currently written the work management apparatus can automatically send out recruiting information to the different mobile telephones, reflecting responses from the mobile telephones of arbitrary users; that is, such information can be sent to the mobile telephones of other corresponding users.

Therefore, in the claims as currently written the users of the mobile telephones do not need to access a server to see a settled shift table or additional recruiting information. That information is automatically sent from the management apparatus to the different mobile terminals.

With such a structure and operation, users possessing the mobile telephones can adjust or change their own shifts or schedules anytime and anywhere, and can also have access to the latest information that is automatically sent from the management apparatus, and thus can check a current status without any special operation. As noted above in the claimed invention the user does not have to log onto a management apparatus server to access such information.

Bernasconi discloses a contrary structure. As noted in the Abstract Bernasconi states that “[a]pproved substitute/temporary employees may access the database using a multi-level access and secure logon code through their Internet-based browser device”. From that disclosure in Bernasconi it is clear that in Bernasconi a user must himself or herself logon to a system to access staffing information. As noted above, the claims have a contrary structure in that in the claims the management apparatus can automatically distribute such latest information to the users.

In such ways, the claims as currently written are believed to clearly distinguish over Bernasconi.

Moreover, no disclosure in the ActiveStaffer Publication is believed to cure the above-noted deficiencies in Bernasconi.

Thereby, the claims as currently written are believed to distinguish over Bernasconi, and further in view of the ActiveStaffer Publication.

Addressing now the rejection of claims 38-45 under 35 U.S.C. §102(e) as anticipated by Lesaint, that rejection is also traversed by the present response. The claims are amended believed to also distinguish over Lesaint.

Lesaint is similar to Bernasconi in that in Lesaint a user must log onto a management apparatus server for access to scheduling information. For example as discussed in Lesaint at column 7, line 48 *et seq.* a technician who has completed a task will contact the computer with the aid of the terminal Hi for instructions on the next task. Thus, the user himself or herself must make contact with the management apparatus for scheduling information.

As discussed above, the claims as currently written are directed to a different type of operation. In the claims as currently written the management apparatus can automatically distribute latest information that reflects responses from mobile phones of arbitrary users, to mobile phones of corresponding users. That latest information is thereby sent automatically from the management and apparatus, which the users can then efficiently check. Lesaint fails to teach or suggest such features.

In such ways, the claims as currently written are believed to also clearly distinguish over Lesaint.

In view of these foregoing comments, applicants respectfully submit the claims as currently written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
SNS/rac

Surinder Sachar
Registration No. 34,423

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